

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

RELIANCE TELEPHONE OF GRAND
FORKS INCORPORATED, A NORTH
DAKOTA CORPORATION; AND
RELIANCE SYSTEMS, INC., A NEVADA
CORPORATION;

Plaintiffs,

vs.

YANKTON COUNTY, SOUTH DAKOTA,
NETWORK COMMUNICATIONS
INTERNATIONAL CORP., A TEXAS
CORPORATION;

Defendants.

4:24-CV-04098-ECS

ORDER OVERRULING
NCIC'S PARTIAL OBJECTION

The undersigned conducted an *in camera* review of documents that Yankton County and the Network Communications International Corp. (NCIC) claimed to be privileged. It then granted in part and denied in part Reliance's motion to compel.¹ To make clear what documents the Court found privileged, it included an appendix to its order setting forth the bates stamp number, time, date, and recipients of each privileged

¹ Docket No. 85.

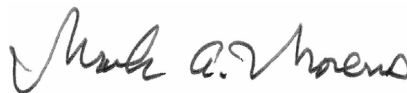
email that did not need to be disclosed.² Because some contested documents were copies of the same email, the Court included footnotes mentioning the bates stamp number that the copies could be found at.³

NCIC lodges a narrow objection to the Court's order noting one instance that the Court ruled an email was privileged, but seemingly overlooked a copy of the email in the footnoted part.⁴ While true that the Court did not include the copy in the footnote, it still ruled the email was privileged—albeit a different box in the appendix.⁵ NCIC thus was never under an obligation to turn over the email that is the subject of its objection. As such, it is

ORDERED that NCIC's partial objection to the Court's order⁶ is overruled because the Court's initial order listed the email as privileged, and NCIC need not turn it over.

DATED this 4th day of June, 2025.

BY THE COURT:



MARK A. MORENO
UNITED STATES MAGISTRATE JUDGE

² *Id.* at 9–12.

³ *Id.* at 9 nn.*–**.

⁴ Docket No. 89.

⁵ *See* Docket No. 85, at 12.

⁶ Docket No. 89.